



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 080 – FAMILY MEDICAL LEAVE ACT AND OTHER LEAVES

**GENERAL ORDER:** 2020-XX  
**ISSUED:** November 16, 2020

**EFFECTIVE:** November 16, 2020

**REVIEWED/APPROVED BY:**  
Assistant Chief Leslie Thiele  
**DATE:** October 23, 2020

**ACTION:** Amends General Order 2018-34 (November 29, 2018)

**WILEAG STANDARD(S):** 2.4.2

#### **080.00 PURPOSE (WILEAG 2.4.2)**

To outline the eligibility requirements and administrative procedures regarding the Family and Medical Leave Act (FMLA), maternity leave, childrearing leave, unpaid leaves of absence, and reinstatement for employees of the Milwaukee Police Department under the Wisconsin Family and Medical Leave Act ([Wis. Stat. § 103.10](#)) and the Federal Family and Medical Leave Act (29 U.S.C.).

#### **080.05 WISCONSIN FMLA REQUIREMENTS AND BENEFITS**

##### A. ELIGIBILITY FOR WISCONSIN FMLA

All qualified department employees who have completed fifty-two (52) consecutive weeks of service and at least 1,000 hours of service in the fifty-two (52) weeks immediately prior to leave commencing, are eligible to receive Wisconsin FMLA benefits.

##### B. BENEFITS UNDER THE WISCONSIN FMLA

An employee qualifies for Wisconsin FMLA benefits in at least one of the following situations:

1. An employee's own serious health condition (2 weeks).
2. For the care of an employee's spouse, domestic partner (as defined in [Wis. Stat. § 40.02\(21c\)](#) or [Wis. Stat. § 770.01\(1\)](#)) child, parent or parent-in-law or parent of domestic partner who has a serious health condition (2 weeks).
  - a. In the case of leave to care for a child age eighteen (18) or older, the medical certification must establish that the child cannot care for himself or herself because of a serious health condition.
  - b. As of April 1, 2018, domestic partners in Wisconsin are only eligible for Wisconsin FMLA. Eligibility is contingent upon the member either being registered as a domestic partner prior to April 1, 2018, or if they signed an affidavit with the Department of Employee Trust Funds prior to September 23, 2017. New domestic partnerships are no longer allowed in the state of Wisconsin as of April 1, 2018.

3. For the birth of the employee's child, placement for adoption or as a precondition to adoption under [Wis. Stat. § 48.90\(2\)](#) or to care for the employee's newborn child (6 weeks).

Wisconsin FMLA leave in connection with the birth or placement for adoption of a child may be taken in one continuous block or as segmented increments (intermittent leave) (e.g., days, hours) and must begin within sixteen (16) weeks of the birth or placement for adoption of the child. Intermittent use must also begin within 16 weeks of the date of birth or adoption, and the last segment of intermittent leave must begin within that 16-week period.

4. Six (6) weeks of unpaid leave in a twelve (12) month period to undergo and recover from bone marrow or organ donation procedures (Wisconsin Bone Marrow and Organ Donation Leave Act).

#### C. SUBSTITUTION OF PAID LEAVE

An employee may substitute accrued paid sick leave, holiday (sworn employees) compensatory time, or vacation for unpaid Wisconsin FMLA leave.

### **080.10 FEDERAL FMLA ELIGIBILITY REQUIREMENTS AND BENEFITS**

#### A. ELIGIBILITY FOR FEDERAL FMLA

1. To be eligible for federal FMLA leave, an employee must have worked for the City of Milwaukee for 12 months, which need not be continuous, and also have worked a minimum of 1,250 hours during the previous 12 months. The employer must count all service, unless it was more than seven (7) years ago (except if the break was due to National Guard or Reserve duty, or a written agreement exists where the employer intends to rehire the employee after break in service).
2. The federal FMLA does not supersede the Wisconsin FMLA, city ordinances, or labor contracts that may contain more generous family or medical leave rights.

#### B. BENEFITS UNDER THE FEDERAL FMLA

1. The Federal FMLA entitles eligible employees to a combined maximum of twelve (12) weeks of leave per calendar year for any one or a combination of the following reasons:
  - a. For an employee's own serious health condition, such as an illness, injury, impairment or physical or mental condition that also involves one of the following:
    1. Two (2) visits to a health care provider for the condition within thirty (30) days of the first day of a period of incapacity, and the first visit to the provider must take place within seven (7) days of the first day of incapacity; or
    2. More than three (3) consecutive full calendar days of incapacity plus a regimen of continuing treatment; or

3. For a serious chronic health condition, at least two (2) visits to a health care provider per year.

**Note: FMLA leave for a serious health condition may be taken intermittently only if medically necessary.**

- b. For the care of an employee's spouse, child or parent who has a serious health condition.

In the case of leave to care for a child age eighteen (18) or older, in addition to having a serious health condition, the medical certification must establish that the child is incapable of self-care because of a mental or physical disability. The term "incapable of self-care" means that the person needs daily assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs), which include caring for one's grooming and hygiene, bathing, dressing, eating, cooking cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories and using a post office.

- c. For the birth, placement for adoption, or to care for the employee's newborn child. Entitlement to leave in connection with the birth of a child expires twelve (12) months after the child is born or placed for adoption.
- d. For the placement of a child with the employee for foster care.

## 2. Married Couple Combined Maximum Total

The City of Milwaukee has adopted the standard under the Federal FMLA to limit spouses who are both employees of the city to a combined total of twelve (12) weeks of FMLA during any calendar year for the birth for placement of a child or for the care of a parent with a serious health condition.

## C. SUBSTITUTION OF PAID LEAVE

1. Federal law permits an employee to substitute accrued vacation or compensatory time for unpaid FMLA leave. Accrued sick leave, however, may only be substituted for the sworn member's own serious health condition. Civilian member's may substitute accrued sick leave for their own serious health condition or for the serious health condition of their immediate family member. For the purpose of this policy only, "immediate family member" has the meaning given in the federal family and medical leave act (civilian member's spouse, son, daughter, or parent).
2. Federal law permits an employer to require that an employee substitute available accrued paid leave for unpaid FMLA leave and employees on FMLA leave under the federal law will be required to substitute such paid leave to the extent it is available. In the event an employee has more than one source of accrued paid leave available and eligible for substitution (such as vacation, compensatory time, or sick leave in connection with leave for the employee's own serious health condition or for a civilian member's immediate family member), the employee may choose which

source of other accrued paid leave shall be applied for substitution. If the employee has accrued time available, it must be utilized prior to using unpaid time.

## **080.15 FEDERAL MILITARY FAMILY LEAVE REQUIREMENTS AND BENEFITS**

### **A. ELIGIBILITY FOR FEDERAL MILITARY FAMILY LEAVE**

1. To be eligible, an employee must have worked for the City of Milwaukee for 12 months, which need not be continuous, and worked a minimum of 1,250 hours during the previous 12 months. The employer must count all service, unless it was more than 7 years ago, except if the break was due to National Guard or Reserve duty or a written agreement exists where the employer intends to rehire the employee after break in service.
2. Employees may not substitute paid sick leave for Federal Military Family Leave. Other forms of accrued paid leave, however, such as vacation and compensatory time, may be substituted for Federal Military Family Leave.
3. When spouses are both employed by the City, they are limited to a combined total of 26 work weeks in a single 12-month period if the leave is to care for a covered service member with a serious injury or illness.

### **B. MILITARY CAREGIVER LEAVE**

Eligible employees may take up to 26 work weeks of unpaid time during a single 12-month period to care for a covered service member with a serious illness or injury incurred in the line of duty. Next of kin may qualify as caregivers.

1. An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take up to a total of 26 work weeks of unpaid leave during a single 12-month period to care for the service member.
2. A covered service member is
  - a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or
  - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.
3. A covered veteran is a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.
4. A serious injury or illness of a service member is one that:

- a. Was incurred by a service member in the line of duty on active duty, or
  - b. Existed before the beginning of the service member's active duty and was aggravated by service in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.
5. A serious injury or illness of a covered veteran is one that was incurred by the veteran in the line of duty on active duty (or existed before the beginning of the veteran's active duty) and was aggravated by service in the line of duty on active duty and manifested itself before the service member became a covered veteran and is either:
- a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or
  - b. A physical or mental condition for which the covered veteran has received U.S. Department of Veterans Affairs Service-Related Disability Rating of 50% or greater, and such rating is based in whole or in part, on the condition precipitating the need for leave; or
  - c. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service; or
  - d. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregiver.
6. The single 12-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later.
7. An eligible employee is limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the single 12-month period. Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.

### C. QUALIFYING EXIGENCY LEAVE

1. Eligible employees may use twelve (12) unpaid work weeks of normal FMLA leave for any qualifying exigency arising from a member of the Regular Armed Forces, National Guard, or Reserves called to active duty or on active duty as the result of a federal call to active duty with deployment to a foreign country.
2. An eligible employee may take up to a total of twelve (12) work weeks of unpaid leave during the normal 12-month period established by the employer for FMLA

leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.

3. Qualifying exigencies are:

- a. Issues arising from a covered military member's short notice deployment (e.g., deployment on (7) seven or less days of notice) for a period of seven (7) days from the date of notification;
- b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- c. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- d. Making or updating financial and legal arrangements to address a covered military member's absence;
- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active military member who is on short-term duty or call to active duty status of the covered military member;
- f. Taking up to fifteen (15) days of leave to spend time with a covered temporary, rest and recuperation leave during deployment;
- g. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.

D. INTERMITTENT MILITARY FAMILY LEAVE

1. FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member.
2. When leave is needed for planned medical treatment, the employee must make a

reasonable effort to schedule treatment so as not to unduly disrupt the department's operations.

3. Employees having returned from military leave will have the time served in active duty counted towards their eligibility when requesting time off under FMLA.

### **080.20 INTERMITTENT LEAVE / REDUCED LEAVE**

- A. Intermittent or reduced leave may be taken when medically necessary to care for an eligible employee's family member with a serious health condition or because of the employee's own serious health condition.
- B. Intermittent leave may be taken in connection with the birth or placement for adoption of a child only under the Wisconsin FMLA, but will not be permitted in connection with federal FMLA leave taken following the sixteenth (16<sup>th</sup>) week of birth or placement for adoption.
- C. Employees needing intermittent or reduced leave for foreseeable medical treatment must work with their supervisor to schedule the leave so as not to unduly disrupt the department's operations, subject to the recommendation of the employee's health care provider in accordance with the frequency and duration as well as the reduced leave time defined in the medical certification.
- D. Employees on approved intermittent leave shall provide their supervisor with advanced notice when taking leave for planned medical treatment for their own care or the care of a family member. Approved intermittent leave is expected to be used as entitled under the FMLA guidelines in accordance with the employee's medical certification from their treating physician who defines frequency and duration. The department has a right to know the projected frequency and duration of intervals of leave.
- E. Department employees requesting intermittent leave or reduced leave for their own serious medical condition or for the care of a family member shall submit a *Certification of Health Care Provider for Employee's Serious Health Condition* (PM-7a) or *Certification of Health Care Provider for Family Member's Serious Health Condition* (PM-7b) for review. For continuous care, employees shall be expected to submit any additional forms that may be required by the Human Resources Division - Medical Section.
- F. The department reserves the right to require updated medical certification as provided under federal regulations (29 CFR 825.308) involving intermittent leave for an employee's own care or the care of an eligible family member with a serious health condition.

The department can request recertification every thirty (30) days for pregnancy, chronic, or permanent / long term conditions for a serious health condition which do not have a minimum duration of incapacity specified in the medical certification and are done only in connection with an absence. The department may require subsequent recertifications on a reasonable basis. If the employee's circumstances have changed significantly, or the department receives information which casts doubt

upon the continuing validity of the certification, recertification may be requested more frequently than every thirty (30) days.

- G. The department reserves the right to obtain authentic and clear medical certification for leave taken because of the employee's own serious health condition or the serious health condition of a family member, including the right to obtain second or third opinions.
- H. It is the employee's responsibility to provide the employer with an authentic and clear medical certification and to clarify the certification if necessary.

#### **080.25 REQUESTS FOR FMLA LEAVE DUE TO BIRTH OR PLACEMENT OF A CHILD**

- A. Under the Wisconsin FMLA, up to six (6) weeks of leave may be taken as paid (if the employee has accrued paid leave available for substitution) or unpaid leave in one continuous block or as segmented leave. This six (6) week continuous block, or all segmented portions thereof, must begin within sixteen (16) weeks of the birth or placement for adoption. The leave may be unpaid or a maximum of six (6) weeks of sick leave, or any amount of other accrued paid leave may be substituted. Under no circumstances may an employee utilize more than six (6) weeks of sick leave pay while on Wisconsin FMLA leave in connection with the birth or placement of a child.
- B. After an employee's entitlement to Wisconsin FMLA leave has ended with the conclusion of the last segment of leave that began within sixteen (16) weeks of the birth or placement of the child, any additional leave under the federal FMLA must be taken as a single continuous block of time and concluded within twelve (12) months of the birth or placement of a child. The leave may be unpaid or accrued paid leave (e.g., vacation, compensatory time) may be substituted. However, sick leave may not be substituted for leave in conjunction with the birth or placement of a child under the federal FMLA.

#### **080.30 MPD ADMINISTRATION OF THE FMLA IN ACCORDANCE WITH THE CITY'S FMLA POLICY**

Pursuant to the state and federal laws, the City of Milwaukee's administration of the FMLA benefit includes the following:

- A. Wisconsin and Federal FMLA benefits run concurrently for a combined maximum of 12 (twelve) weeks of FMLA per calendar year.
- B. The department requires employees to substitute paid leave to the extent it is available when utilizing Federal FMLA.
- C. Paid leave includes sick leave, holiday (sworn members), vacation/TVA, compensatory time and donated accrued time off, as permitted under the state and federal laws, respectively.
- D. The department is adopting the standard under Federal FMLA to limit spouses who are both employees of the City to a combined total of twelve (12) weeks of FMLA leave during any calendar year for the birth or placement of a child or for the care of a parent



with a serious health condition.

- E. The department will provide required FMLA notices to the employee within five (5) business days.
- F. The employee will be restored to the same or an equivalent job upon return from leave.
- G. During an FMLA leave, the City of Milwaukee will maintain the employee's health and dental insurance coverage. Employees will continue to pay their share of the premium contributions for health and dental insurance during the time of their leave. While on unpaid FMLA, the employee will be billed for their monthly premium and failure to make payments will result in termination of health and dental benefits. Questions should be directed to the Department of Employee Relations-Employee Benefits Division at 414-286-3184.
- H. If the employee fails to return to work after taking FMLA leave and the failure is not due to circumstances which would otherwise entitle the employee to FMLA leave or are otherwise beyond the employee's control, the employee is liable for the payment of all health and dental insurance premiums paid by the City of Milwaukee during the unpaid portion of the FMLA leave.
- I. Employees may voluntarily settle or release their FMLA claims without court approval. Employees may not, however, prospectively or retroactively waive their FMLA rights.
- J. The department may deny a Sick Leave Incentive Control award to an employee who does not have perfect attendance because of taking FMLA leave.
- K. The department may adjust employees' service time for all unpaid FMLA leave periods.
- L. An employee absent from work due to leave under the FMLA is not entitled to unemployment compensation benefits.
- M. An employee may not go negative with their vacation balance for FMLA and medical leaves of absence.
- N. The department FMLA Administrator will utilize the *FMLA Designation Notice* form to notify employees when their FMLA is pending or will be denied, and the reason (along with notification) for any additional information that is required.

### **080.35 MATERNITY AND CHILDREARING LEAVE (CONTRACT PROVISIONS)**

- A. Sworn members belonging to the Milwaukee Police Association (MPA) and Milwaukee Police Supervisor's Organization (MPSO) are entitled to maternity leave and child rearing leave. Sworn members shall refer to their respective negotiated labor agreement for the specific requirements related to maternity and childrearing leave.
- B. Please see Appendix A for a chart summarizing FMLA, maternity, and childrearing leave benefits and requirements pursuant to the birth of an employee's child, placement for adoption or as a condition to adoption, or to care for an employee's newborn child.

**080.40 MEDICAL LEAVE OF ABSENCE**

- A. The Chief of Police may grant an unpaid medical leave of absence, or a combination of paid and unpaid medical leave of absence, to an employee in increments as needed, generally not to exceed one year, for the employee's own serious health condition, disability, or pregnancy-related disability. Indefinite medical leaves of absences shall not be granted.
- B. When applicable, eligible employees will be expected to exhaust their allotment under the Family Medical Leave Act prior to requesting a medical leave of absence.
- C. Such leave shall be without pay except that the employee may substitute sick time, or any other accrued paid time, which the employee is entitled to receive and has available at the time of request.
- D. All requests for leaves will be reviewed and approved by the Human Resources Division – Medical Section under the authority of the Chief of Police.
- E. An employee's failure to return to work at the end of a medical leave of absence may result in termination from the department for non-disciplinary fitness reasons.

**Note: Unpaid time taken with any leave is not pensionable time and is not counted toward service retirement time earned.**

**080.45 DONOR PROGRAM**

- A. Under the city of Milwaukee donor program, employees who have exhausted accrued paid leave may receive donations from any qualified city of Milwaukee employee who has elected to donate accrued time off to an employee (recipient) or to an employee on behalf of an immediate family member suffering from a terminal illness or major catastrophic illness. Immediate family member is clearly defined as spouse or child. Donations of accrued time off may not exceed 2080 hours per illness, injury or incident.
- B. An employee's entitlement to donor pay shall run concurrently with their unpaid FMLA or unpaid medical leave of absence to cover unpaid days during the leave period.
- C. An application for donor pay does not negate the employee's responsibility to apply for FMLA, a medical leave of absence, to notify the department of their status, and to comply with the department's policies and procedures.
- D. Employees may contact their respective union representative or the Department of Employee Relations at 414-286-6210 regarding the accrued time off donor program.

**080.50 WORKER'S COMPENSATION TOTAL TEMPORARY DISABILITY BENEFITS (TTD)**

- A. If an employee's leave is related to an on-duty injury and they have exhausted the injury pay allotment, or if the employee has been denied injury pay, or a determination is pending from the office of Employee Benefits, and the employee is unable to return to work, the employee shall apply for a medical leave of absence. The employee has the

option of using available accrued time (e.g., sick, vacation, comp) or if they are entitled, total temporary disability (TTD) benefits. The employee must submit the decision to use either benefit in writing. Injury pay and TTD may not be used concurrently with injury pay or sick pay benefits.

- B. Approval for injury pay or donor pay does not negate the employee's requirement to notify the department of their leave status.

#### **080.55 DUTY DISABILITY RETIREMENT / ORDINARY DISABILITY RETIREMENT**

- A. Duty disability benefits (DDR) is for disabilities that are a direct result of a work related injury or illness.
- B. Ordinary disability benefits (ODR) is for disabilities that are not work related and prevent an employee from performing their duties.
- C. An application for DDR or ODR does not negate the employee's responsibility to apply for FMLA or medical leave of absence when applicable and to notify the department of their status.
- D. Employees may contact their respective union representative or the Department of Employee Relations at 414-286-3184 regarding duty disability benefits or ordinary disability benefits.

#### **080.60 SPECIAL ANNUAL PAYMENTS**

Any police member listed as "Inactive Status" on December 31st of the current year will forfeit eligibility to special annual payments of the certification pay, longevity pay and variable shift assignment pay (V.S.A.P.).

#### **080.65 EMPLOYEE RESPONSIBILITIES**

- A. For leaves that are foreseeable, an employee must submit a request for leave at least 30 days prior to when the leave would begin, or as soon as practicable, meaning the same business day or following business day that the need for leave became known. Any period of delay may result in the denial of FMLA leave.
- B. Employees must give notice as soon as practicable and comply with the department's established call in procedures for reporting absences in accordance with SOP 010 Absence. Any period of delay in notification may result in the denial of FMLA leave.

**Note: Employees on federal or Wisconsin FMLA leave who are entitled to substitute paid sick leave are exempt from those department procedures, which normally govern the use of paid sick leave in accordance with SOP 010 Absence (e.g., confinement to residence, Milwaukee County travel restrictions).**

- C. In emergency situations, where the need for leave was not foreseeable (for example, a sudden serious health condition), an employee shall file the appropriate forms as soon

as practicable following the beginning of the leave of absence. When this occurs, the leave may be approved on a provisional basis, with final approval being contingent upon receipt of the completed appropriate forms. Even in an emergency situation, the employee will usually have an opportunity to submit a *Department Memorandum* (form PM-9E) in advance of the requested FMLA or medical leave of absence commencement date. On occasion, employees may not be able to provide advance notice, in which case the employee's commanding officer or supervisor are to reasonably review the circumstances and consult with the Human Resources Division – Medical Section as to the appropriate disposition.

- D. Employees must provide sufficient and complete information regarding the reason they are requesting leave, the timing of the leave, and when they are expected to return to work.
- E. If an employee intends to take FMLA because of planned medical treatment or for care of a spouse, parent or child, the employee must:
1. Make a reasonable effort to schedule the medical treatment or supervision so that it does not unduly disrupt their department's operations, subject to the approval of the health care provider involved; and
  2. Give their department advance notice of the medical treatment or supervision in a reasonable and practicable manner.
- F. If an employee needs additional leave time, he/she must contact his or her immediate supervisor and the Human Resources – Medical Section prior to the time he/she is expected to return and make necessary arrangements. Failure to return from leave may result in loss of right to reinstatement.

**Note: Employees will not be permitted to change their paid / unpaid status during a leave of absence. Employees will be responsible for monitoring their return to duty date and providing extension requests for review at least two (2) weeks prior to the leave end date. When applicable, leave extensions must include updated medical information.**

G. FILING REQUESTS FOR LEAVES – FAMILY MEDICAL LEAVE OF ABSENCE

Employees requesting FMLA shall ensure the completion of the following forms and submit them to their commanding officer/supervisor for review:

1. *Request For Leave Under the Family Medical Leave Act* (form PM-6);
2. The applicable FMLA certification request:
  - a. *Certification of Health Care Provider for Employee's Serious Health Condition* (PM-7a); or
  - b. *Certification of Health Care Provider for Family Member's Serious Health Condition* (PM-7b);

- c. *Certification for Serious Injury or Illness of a Current Service Member - For Military Family Leave* (PM-7c);
  - d. *Certification of Qualifying Exigency For Military Family Leave* (PM-7d);
  - e. *Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave* (PM-7e);
3. *Department Memorandum* (form PM-9E);
  4. Absence analysis calendar indicating time off and regular off days.
  5. When applicable, a formal letter from the agency verifying adoption or placement for adoption/foster care containing the following:
    - a. Agency letterhead and agency contact person;
    - b. Employee name;
    - c. Age(s) of child/children;
    - d. Type of placement (e.g., adoption, placement for adoption or foster care);
    - e. Date of placement or adoption.
  6. An *Application for Sick Leave* (form PS-16S) if sick time is used with the leave.

#### H. FILING REQUESTS FOR LEAVES – MEDICAL LEAVES OF ABSENCE, MATERNITY LEAVE, OR CHILDREARING LEAVE

Employees requesting leave under a combination of FMLA and/or other leaves (e.g., maternity, childrearing, medical leave of absence) shall ensure the completion of FMLA forms and the following forms and submit them to their commanding officer/supervisor for review:

1. *Request for Medical Leave of Absence* (form PM-33);
2. *Medical Leave of Absence Certification* (form PM-33A);
3. *Department Memorandum* (form PM-9E);
4. Absence analysis calendar indicating time off and regular off days.
5. When applicable, a formal letter from the agency verifying adoption or placement for adoption/foster care containing the following:
  - a. Agency letterhead and agency contact person;
  - b. Employee name;

- c. Age(s) of child/children;
- d. Type of placement (e.g., adoption, placement for adoption or foster care);
- e. Date of placement or adoption.

#### I. RECERTIFICATION FOR FEDERAL FMLA

The following events may trigger a requirement for medical recertification and the timing of the certification:

1. When a serious health condition extends beyond a single year an annual medical certification may be required.
2. For a continuing chronic condition a medical certification may be required every six (6) months or every thirty (30) days in some cases as determined by the Human Resources Division – Medical Section.
3. When there is a significant change in the circumstances described in a previous certification (for example, the duration or frequency of the absence, the nature or severity of the illness, complications), a new medical certification may be required.
4. When a certification is submitted under circumstances where there is reason to doubt the validity of the medical certification, a new medical certification may be required.

**Note: The Human Resources Division – Medical Section will advise the affected member if a recertification for Federal FMLA is required.**

#### J. DEPARTMENT ISSUED EQUIPMENT

The Medical Section will notify supervisors of any employees under their command who are expected to be on an unpaid leave for periods exceeding 14 days or more.

Supervisors shall ensure employees comply with the following when approved for unpaid FMLA or unpaid medical leave of absence exceeding the noted days:

##### 1. Unpaid Leave 14 Days or Less

Employees on an unpaid leave of 14 days or less are not required to surrender any department issued equipment unless otherwise ordered by the Chief of Police or designee.

##### 2. Unpaid Leave 15 to 90 Days

Employees on an unpaid leave of 15 to 90 days for any reason shall surrender their badge, cap shield, identification card, call box key, and handgun to their commanding officer. The items shall be retained at the work location and shall not be inventoried. In extraordinary cases, the equipment may be stored at another

location as determined by the Chief of Police or designee.

### 3. Unpaid Leave Over 90 Days

Employees on an unpaid leave over 90 days shall surrender all department issued equipment (excluding uniform items) to their commanding officer. The commanding officer shall ensure the equipment designated on the *Separation Checkout Sheet* (form PS-25) is retrieved and delivered to the Training Division, this is to include the member's badge, cap shield, identification card, and call box key. Handguns shall be returned to the range master for retention. The employee's equipment will be re-issued upon reinstatement and following proficient completion of required remedial training.

**Note: Employees shall continue to be subject to all department standard operating procedures and the Code of Conduct during an approved period of leave.**

### K. OVERTIME WHILE ON APPROVED LEAVE

Employees on any of the aforementioned leaves of absences (paid or unpaid) shall be prohibited from working overtime (e.g., extra-duty and special event employment, replacement program, in-service training, all other training) or from attending work for any reason during the period of leave unless pre-approved by the Human Resources Division - Medical Section to do so under FMLA intermittent leave or exigent circumstances (e.g., reporting to Internal Affairs Division).

### L. COURT APPEARANCES

Employees on approved leaves of absence shall be required to appear for all subpoenas, charging conferences, jury duty, etc., unless they are incapacitated by a serious medical condition or a condition rendering them non-ambulatory. When these conditions exist, employees are obligated to notify the Court Administration / Central Booking Division concerning their inability to honor the subpoena.

### **080.70 REINSTATEMENT FROM FMLA OR MEDICAL LEAVES (PAID OR UNPAID)**

- A. An employee returning to duty from an approved medical leave of absence shall submit such notice in writing to their commanding officer/supervisor at least two (2) weeks prior to the date of return to allow for normal processing of payroll records and administrative notifications prior to reinstatement to duty. Written notice shall be in the form of a *Department Memorandum* (form PM-9E). The commanding officer/supervisor shall ensure the original report is immediately forwarded to the Human Resources Division.
- B. Employees returning to duty shall complete all required payroll forms immediately prior to or on the first day back to work to effect the proper processing of pay and benefits.
- C. At the time the leave is approved, the Human Resources Division – Medical Section will notify employees in writing whether a return to work release or medical questionnaire is required prior to returning to work via the *FMLA Designation Notice*. The required return

to work release or medical questionnaire must be complete and sufficient. If a required return to work release or medical questionnaire is not complete or sufficient, employees will be notified in writing of the deficiencies and given seven (7) calendar days to provide the required information. If the employee fails to provide the required information, the department may delay the employee's return to work or deny the leave.

- D. Medical information shall be forwarded to the Medical Section. No copies shall be maintained at the work location.
- E. Military personnel returning from military leave shall become familiar with SOP 475 Military Deployment/Reintegration.
- F. An employee's failure, or inability, to return from leave or failure to request an extension at the expiration of a family medical leave or a medical leave of absence may be terminated for non-disciplinary fitness reasons.
- G. Employees on a family medical leave of absence or a medical leave of absence over 90 consecutive days shall be required to submit to a drug screen.

#### **080.75 COMMANDING OFFICER'S / SUPERVISOR'S RESPONSIBILITIES**

- A. After reviewing all reports for completeness and accuracy, the commanding officer/supervisor shall sign the request for leave reports and promptly forward them (in a sealed envelope) to the Medical Section for review and disposition.
- B. Commanding officers/supervisors shall ensure confidentiality with information contained in the medical leave requests provided by employees.
- C. If the request for FMLA leave arises from an emergency situation, the commanding officer/supervisor shall immediately forward all relevant reports and consult with the Medical Section to determine the employee's eligibility to receive FMLA benefits.
- D. Commanding officers/supervisors should bear in mind that exigent circumstances may modify the date(s) of the requested FMLA or medical leave that were indicated on the original forms submitted by the employee, such as a delay in a surgery date, unexpected date of birth, or placement for adoption. When this occurs, commanding officers/supervisors shall ensure that the employee submits revised reports as soon as possible.
- E. Commanding officers/supervisors are to ensure the employee's equipment is collected prior to the start of any unpaid leaves that are expected to exceed 14 days, consistent with this policy. The commanding officer/supervisor shall notify, via email, the captain of the Internal Affairs Division, the Medical Section, and the range master of the property collection and its location.
- F. Whenever an employee uses sick leave pay for some or all of the approved FMLA leave, medical leave, or maternity leave, an *Application for Sick Leave* (form PS-16S) shall be completed. The "FMLA box" shall be checked on the top portion of the PS-16S form.



The following special earn codes shall be used during an approved FMLA leave only. Special earn codes are not to be used in conjunction with other leaves such as maternity, childrearing, or a medical leave of absence.

#### SPECIAL EARN CODES

Prior Year Vacation Time	Code 041
Sick Leave Incentive Pay	Code 062
Current Year Vacation Time	Code 242
Sick Leave	Code 243
Holiday Off	Code 245
Total Vacation Accrual (TVA)	Code 254
Compensatory Time	Code 266
Unpaid Leave	Code 299

- G. Commanding officers/supervisors shall ensure an employee returning from a leave of absence due to his or her own medical condition or a pregnancy-related leave provides a return to work release prior to or on their date of return to duty.

#### **080.80 HUMAN RESOURCES DIVISION - MEDICAL SECTION RESPONSIBILITIES**

- A. Upon receipt of all reports relating to a leave request, the Medical Section shall review them and, if necessary, consult with the commanding officer/supervisor and employee prior to disposition.
- B. The Medical Section shall fax or email copies of the approved or denied request for leave and the analysis calendar (excluding confidential medical information) to the respective work location for distribution to the employee making the request and the employee's work location file.
1. The Medical Section shall make this notification using the *FMLA Designation Notice* (PM-8a) and *FMLA Notice of Eligibility and Notice of Employee Rights and Responsibilities* (PM-8b) forms.
  2. The Medical Section shall provide FMLA notices to the employee within (5) five business days.
  3. Medical Certification Forms for Employee's Serious Health Condition  
  
If the medical certification is incomplete or insufficient, the Medical Section shall notify the affected member via the *FMLA Designation Notice*, stating the additional information required. The employee will have seven (7) calendar days to provide the additional information. If the employee fails to submit a complete and sufficient medical certification despite the opportunity to correct the deficiency, FMLA leave may be denied.
- C. Supervisors receiving approved/denied leave requests shall ensure employees are provided with copies as soon as administratively possible.

D. The Medical Section shall forward a copy of the authorized request for unpaid leaves (excluding confidential medical information) to the Human Resources administrator and the payroll supervisor. The payroll supervisor will ensure the completion of all necessary separation sheets.

**080.85 BENEFIT RESOURCES**

Office of Employee Benefits – Worker’s Compensation  
200 E. Wells Street, Room 701  
414-286-2020

Department of Employee Relations – Donor Program  
200 E. Wells Street, Room 706  
414-286-6210

Department of Employee Relations – Benefits Division  
200 E. Wells Street, Room 706  
414-286-3184 (Active members)  
414-286-3557 (Retired members)

Employee Assistance Program  
200 E. Wells Street, Room 706  
414-286-3145

Voya – Deferred Compensation  
841 North Broadway Street, Room 906  
10700 West Research Drive, Suite 190  
844-360-6327

Police Officer Support Team  
Training Division, Room 11  
414-352-5125



MICHAEL J. BRUNSON  
CHIEF OF POLICE

**APPENDIX A**

<b>CHILDREARING LEAVE</b>		<b>MATERNITY LEAVE</b>	
<b>Sworn Female or Male Members (no medical documentation needed)</b>		<b>Sworn Female Members Only (medical documentation needed)</b>	
Female members can use up to 130 consecutive calendar days (including regular off days) beginning when her maternity leave ends and/or birth of child.		Granted for the sole purpose of medical disability associated with pregnancy	
Female members can use accumulated/accrued paid time off (vacation, holiday, compensatory time). However, sick time cannot be used.		Begins on the date treating physician determines and ends no later than 135 consecutive calendar days after the delivery date (birth of the child) (includes regular off days)	
Male members can use up to 130 consecutive calendar days (including regular off days) beginning on the date their spouse gives birth to the child.		It must be taken in one block of time and cannot be segmented. Off from the date determine by the doctor until the baby is born	
Male members can use accumulated/accrued paid time off (vacation, holiday, compensatory time). However, sick time cannot be used.		MPA/MP SO contract allows for an extension beyond the 135 day post-delivery maximum date.	
Childrearing leave cannot be segmented. Once the member stops using childrearing leave, the remainder of the time cannot be used (even if he/she does not exhaust their 130 days).		Accrued paid time off it can be used (sick leave vacation, holiday, compensatory time)	
Childrearing leave must be 130 consecutive calendar days (not sporadic or intermittent days).		Once maternity leaves stops, it cannot be continued at a later date. Maternity Leave must be 135 consecutive calendar days. (not sporadic or intermittent days)	
<b>STATE FMLA (medical documentation needed)</b>		<b>FEDERAL FMLA (medical documentation needed)</b>	
<b>Total six (6) weeks (240 hours)</b>		<b>Total six (6) weeks (240 hours)</b>	
Can be used intermittently, in blocks of time, or the entire block of six (6) weeks. State FMLA begins on the day the baby is born.		Other accrued paid time can be used until it is exhausted and then it can be taken as unpaid time. Sick time cannot be used.	
Must start prior to sixteen (16) weeks after the birth of the baby. This can start as late as week fifteen (15), day six (6).		Federal FMLA must be used by the baby's 1 <sup>st</sup> birthday (e.g., baby's 1 year old birthday)	
Member may use as much sick time as they are entitled to (if they have six (6) weeks of sick leave available they can use all 6 weeks as sick leave).		Federal FMLA can only be used in one consecutive block of time (it cannot be use intermittently).	
Member may use other accrued paid time off (e.g., vacation, holiday, compensatory time).			
If the member elects unpaid time only, two (2) weeks (80 hours) of unpaid time can be used if the member has other accrued time on the books.			
<b>State And Federal FMLA run concurrent to each other beginning with State FMLA (cannot not exceed twelve (12) weeks of FMLA).</b>			